

**UNITED STATES DEPARTMENT OF COMMERCE****Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

(Rev)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
-----------------	-------------	----------------------	---------------------

08/998,302 12/24/97 STANFIELD

J STE01-P798B

EXAMINER

LM02/0622

PRICE HENEVELD COOPER DEWITT & LITTON
P O BOX 2567
695 KENMOOR DRIVE S E
GRAND RAPIDS MI 49501

ZIMMERMAN, B

ART UNIT	PAPER NUMBER
----------	--------------

2735

18

DATE MAILED:

06/22/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary	Application No. 08/998,302	Applicant(s) Stanfield
	Examiner Brian Zimmerman	Group Art Unit 2735
		

Responsive to communication(s) filed on Apr 14, 2000

This action is **FINAL**.

Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

Claim(s) 1-63 is/are pending in the application.

Of the above, claim(s) 2-10, 14-38, and 42-63 is/are withdrawn from consideration.

Claim(s) _____ is/are allowed.

Claim(s) 1, 11-13, and 39-41 is/are rejected.

Claim(s) _____ is/are objected to.

Claims _____ are subject to restriction or election requirement.

Application Papers

See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

The drawing(s) filed on _____ is/are objected to by the Examiner.

The proposed drawing correction, filed on _____ is approved disapproved.

The specification is objected to by the Examiner.

The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

All Some* None of the CERTIFIED copies of the priority documents have been
 received.

received in Application No. (Series Code/Serial Number) _____.

received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____.

Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- Notice of References Cited, PTO-892
- Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- Interview Summary, PTO-413
- Notice of Draftsperson's Patent Drawing Review, PTO-948
- Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

EXAMINER'S RESPONSE

Status of Application.

1. In response to the applicant's amendment received on 4/14/00. The examiner has considered the new presentation of claims and applicant arguments in view of the 5 disclosure and the present state of the prior art. And it is the examiner's position that claims are unpatentable for the reasons set forth in this office action:

INFORMALITIES

2.

10 Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 2-6,23-33, drawn to addressable humanly perceptible **alerting** mechanism in a file locating system, classified in class 340, subclass 825.52.
- 15 II. Claims 7-10,19,61,62, drawn to **network configuration** in a file locating system, classified in class 340, subclass 825.08.
- III. Claims 11-13,39-41, drawn to the **structure** of a file folder in a file locator system, classified in class 340, subclass 693.
- IV. Claims 14-18,20-22,53-60,63 drawn to a **retainer** in a file locator system, classified in class 340, subclass 825.49.
- 20 V. Claims 42-52, drawn to **database storage** in a file locator system, classified in class 364, subclass 401.

VI. Claims 34-38, drawn to a **conductor arrangement** on files to be located, classified in class 340 subclass 825.54.

3. Claim 1 will be examined with either of groups I-III. Due to the lack of burden at
5 this time a species election is not required between the species of retainers claimed, however if burden can be established at a future time, such an election may be required.

Following is a chart which shows the claims that will be examined based upon
10 the election of a specific group.

	Group Elected	Claims Examined
	I	1-6,23-33
	II	1,7-10,19 ⁵⁴ ,61,62
15	III	1,11-13 ³⁸ ,39-41
	IV	14-18,20-22,52,55-60,63 ⁵³⁻
	V	43-52
	VI	34-38

20 4. Inventions I and II are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are

shown to be separately usable. In the instant case, invention I has separate utility such as leading a human to the location of the folder. See MPEP § 806.05(d).

5. Inventions I and III are related as subcombinations disclosed as usable together
5 in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention I has separate utility such as locating a file using over the air signaling. See MPEP § 806.05(d).

6. Inventions I and IV are related as subcombinations disclosed as usable together
10 in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention I has separate utility such as locating a loose folder not physically connected to another element. See MPEP
§ 806.05(d).

15 7. Inventions I and V are related as subcombinations disclosed as usable together
in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention I has separate utility such as locating or indicating to a human, the location of a file. See MPEP § 806.05(d).

20 8. Inventions I and VI are related as subcombinations disclosed as usable together
in a single combination. The subcombinations are distinct from each other if they are

shown to be separately usable. In the instant case, invention I has separate utility such as locating or indicating to a human with over the air signals. See MPEP § 806.05(d).

9. Inventions II and III are related as subcombinations disclosed as usable together
5 in a single combination. The subcombinations are distinct from each other if they are

shown to be separately usable. In the instant case, invention III has separate utility such as reading information from a storage media on the file (equal to the files
contents). See MPEP § 806.05(d).

10 10. Inventions II and IV are related as subcombinations disclosed as usable together
in a single combination. The subcombinations are distinct from each other if they are
shown to be separately usable. In the instant case, invention IV has separate utility
such as writing data to a storage media on the file from a stand alone data writer. See
MPEP § 806.05(d).

15

11. Inventions II and V are related as subcombinations disclosed as usable together
in a single combination. The subcombinations are distinct from each other if they are
shown to be separately usable. In the instant case, invention V has separate utility
such as monitoring who has worked on a particular file. See MPEP § 806.05(d).

20

12. Inventions II and VI are related as subcombinations disclosed as usable together

in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention II has separate utility such as interacting file information to provide data about the file to various locations on a LAN. See MPEP § 806.05(d).

5

13. Inventions III and IV are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention III has separate utility such as connecting file electronics to a data writer for storing information on a 10 file. See MPEP § 806.05(d).

14. Inventions III and V are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention III has separate utility 15 such as connecting file electronics to a data writer for storing information on an electronic portion of a file. See MPEP § 806.05(d).

15. Inventions III and VI are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if 20 they are shown to be separately usable. In the instant case, invention III has separate utility such as connecting file electronics to a data writer for storing information on an

electronic portion of a file. See MPEP § 806.05(d).

16. Inventions IV and V are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if 5 they are shown to be separately usable. In the instant case, invention IV has separate utility such as store files requiring power to maintain data. See MPEP § 806.05(d).

17. Inventions IV and VI are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if 10 they are shown to be separately usable. In the instant case, invention IV has separate utility such as store files requiring power to maintain data. See MPEP § 806.05(d).

18. Inventions V and VI are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if 15 they are shown to be separately usable. In the instant case, invention V has separate utility such as providing information on who has had the file last. See MPEP § 806.05(d).

19. Because these inventions are distinct for the reasons given above and have 20 acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

20. Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Group II-VI, restriction for examination purposes as indicated is proper.

5

21. Because these inventions are distinct for the reasons given above and the search required for Group II is not required for Groups I,III,IV,V or VI, restriction for examination purposes as indicated is proper.

10 22. Because these inventions are distinct for the reasons given above and the search required for Group III is not required for Group I,II,IV,V,VI, restriction for examination purposes as indicated is proper.

15 23. Because these inventions are distinct for the reasons given above and the search required for Group IV is not required for Group I-III,V,VI, restriction for examination purposes as indicated is proper.

20 24. Because these inventions are distinct for the reasons given above and the search required for Group V is not required for Group I-IV,VI, restriction for examination purposes as indicated is proper.

25. Because these inventions are distinct for the reasons given above and the search required for Group VI is not required for Group I-V, restriction for examination purposes as indicated is proper.

5 26. The election of Group III in paper number 14 is acknowledged. The following rejection pertains to the elected group of claims.

27. The restriction requirement is hereby made Final.

10

ART REJECTION

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

15 28. Claims 1,11-13,38-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith (5455409) and either Gillotte (5424858) or Kott (4376936). Smith shows a file tracking system in which a processor is connected to a bus which is connected to a folder retainer 12. the processor sends information to a folder such that a indicator displays the location of the folder to a user requesting to know the 20 location of the folder. Smith discloses that the use of a data base to maintain the location information is an alternative to the distributed database system. It is pointed

out that Smith does in fact disclose the use of a central database in a file retrieval system, however Smith chooses not to utilize such a database. See abstract. From this suggestion, the skilled artisan would reliably be able to efficiently update and manage a database of information.

5 In an analogous art, Kott shows a file folder which is placed in a file retainer and communicates with the retainer via a conductive bus. The file includes conductors on the file folder configured to couple the folder to a retainer. Viewing the Sketch 1 below to show the examiner' interpretation of the elements of a file, it is clear that Kott shows a file with a conductor located on the surface of the file. Kott also shows a retainer with rails to suspend the file and provide a data communication as well as a ground.

10 Kott's folder has the contacts on the side and edge of the surface of the folder. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have utilized the folder of Kott to store documents information in a filing system which can communicate to the folders in the manner suggested by Kott since 15 such would provide the cheap communication with the file.

 In an analogous art, Gillotte also shows a file folder which is placed in a file retainer and communicates with the retainer via a conductive bus. The file includes conductors on the file folder configured to couple the folder to a retainer. Viewing the Sketch 1 below to show the examiner' interpretation of the elements of a file, it is clear 20 that Gillotte shows a file with a conductor located on the surface of the file. Gillotte also shows a retainer with rails to suspend the file and provide a data communication

as well as a ground. Gillotte's folder has the contacts on the side and edge of the surface of the folder. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have utilized the folder of Gillotte to store documents information in a filing system which can communicate to the folders in the 5 manner suggested by Gillotte since such would provide the cheap communication with the file.

REMARKS

10 Response to Arguments.

The following discussion is introduced in direct response to the arguments presented in the instant amendment:

29. The applicant believes that the claimed invention differs from the prior art of 15 record for the following reasons:

a. The applicant argues that the references do not show an addressable file folder responsive to a control signal including a unique address to transmit a signal back to the processor so that the processor may maintain the file location in a database.

20 b. The applicant argues that the references do not show a retainer contacting the bus when the retainer is in any one of several different positions.

30. Regarding the applicants arguments the examiner points out the following:

a. Smith (abstract) states the following.

5 An apparatus for storing and monitoring a plurality of articles, including at least one cabinet or carrier having a plurality of receptacles in which the articles are stored. In one application, the apparatus is utilized to **maintain a library of magnetic tapes or other storage media associated with a data processing center.**¹ Each of the articles is identified by a respective code or volser number, and requests for the articles are received by the system in the form of requests for a particular volser number. In a preferred embodiment, the articles may be randomly stored in any of the receptacles in any of a plurality of carriers. 10 The system includes a **polling and searching**² system operable to identify the carrier in which a requested article is currently stored, and a **display system operable to display the carrier's location.** A host computer controls the operation of the system, but no central data base is maintained of the coded articles. Instead, their volser 15 numbers and usage histories are stored in respective memories associated with each coded article. 20

It is clear from this section of Smith shows an addressable file folder responsive to
25 a control signal including a unique address to transmit a signal back to the
processor (footnote 2 above) so that the processor may maintain the file location
in a database (footnote 1 above).

b. Regarding claim 38, the claims previously required coupling when the retainer is positioned in one of several different positions. As it has been previously

discussed, the references to Kott and Gillotte both show this since the retainers of the references at least are coupled in one position.

In the claims however, in order to overcome the above interpretation, the applicant has amended to require coupling when the retainer is positioned any one
5 of several positions. First it is believed that this language does not overcome the above interpretation, in that the references each show coupling in one orientation. Secondly, the references read on the claim language since there is coupling whether the retainer is the first retainer in the cabinet and also if the retainer is positioned in the back of the row. Therefore, there is coupling in any one of
10 several positions.

Accordingly, **THIS ACTION IS MADE FINAL**. See M.P.E.P. § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 C.F.R.
15 § 1.136(a).

A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE DATE OF THIS ACTION. IN THE EVENT A FIRST RESPONSE IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 C.F.R. § 1.136(a) WILL BE CALCULATED FROM THE MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT WILL
20
25

THE STATUTORY PERIOD FOR RESPONSE EXPIRE LATER THAN SIX MONTHS FROM THE DATE OF THIS FINAL ACTION.

5

CONTACT INFORMATION

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Zimmerman whose telephone number is (703) 305-4796.

10 Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.



Brian Zimmerman
Patent Examiner
Art Unit 2735

15

703-305-4796
June 20, 2000

2.

2.